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PP RUEHAG RUEHAST RUEHBI RUEHCI RUEHDBU RUEHDF RUEHIK RUEHLH RUEHLN
RUEHLZ RUEHNEH RUEHPW RUEHROV RUEHSK RUEHSL RUEHSR RUEHVK RUEHYG
DE RUEHAH #0995/01 2181121
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P 061121Z AUG 09
FM AMEMBASSY ASHGABAT
TO RUEHC/SECSTATE WASHDC 3258
INFO RUCPDO/DEPT OF COMMERCE WASHDC PRIORITY
RUEATRS/DEPT OF TREASURY WASHDC PRIORITY
RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE
RUCNCIS/CIS COLLECTIVE
RUCNMEM/EU MEMBER STATES COLLECTIVE
RUEHAK/AMEMBASSY ANKARA 5514
RUEHBJ/AMEMBASSY BEIJING 3234
RUEHKO/AMEMBASSY TOKYO 3099
RUEHIT/AMCONSUL ISTANBUL 3757
RUCNDT/USMISSION USUN NEW YORK 1077
RHMCSUU/CDR USCENTCOM MACDILL AFB FL
RUEHVEN/USMISSION USOSCE 3776
RUEAIIA/CIA WASHDC
RHEFDIA/DIA WASHDC
RHEHNSC/NSC WASHDC
RUEKJCS/SECDEF WASHDC
RUEKJCS/JOINT STAFF WASHDC

UNCLAS SECTION 01 OF 02 ASHGABAT 000995

SENSITIVE

SIPDIS

STATE FOR SCA/CEN; EEB
ENERGY FOR EKIMOFF/THOMPSON
COMMERCE FOR HUEPER

E.O. 12958: N/A

TAGS: [EPET](#) [PGOV](#) [EINV](#) [PBTS](#) [AZ](#) [TX](#)

SUBJECT: TURKMEN GOVERNMENT'S ARGUMENTS IN THE CASPIAN
BOUNDARY DISPUTE

REF: ASHGABAT 947

11. (U) Sensitive but unclassified. Not for public Internet.

12. (U) SUMMARY: On August 4, state-owned "Neutralsniy Turkmenistan" newspaper published an MFA-authored article outlining Turkmenistan's arguments in its dispute with Azerbaijan on the Caspian Sea delimitation issue. The article mentioned the international laws that the Turkmen government refers to in support of its position and specified the government's interpretation of those laws. The analytical article followed-up President Berdimuhamedov's July 24 statement regarding Turkmenistan's intention to take the Turkmen-Azeri Caspian boundary dispute to an international court of arbitration. END SUMMARY.

13. (U) The article, titled "The Caspian: An Area for the Formulation of a New Architecture for Regional State Interaction," began with a long-winded statement of the historical context of this issue. It provided a description of various documents, mostly related to navigation, fisheries, and the environment, that had been signed since the early 1990s.

14. (U) The article continued with a statement of the Turkmen government's position on the Caspian delimitation issue, emphasizing the following arguments. First, Turkmenistan believes that the delimitation of the seabed and subsoil of the Caspian Sea should be carried out by means of agreement between states having adjacent or opposite coasts. Justifying this position, the Turkmen government referred to Section 1 of Article 6 of the 1958 Convention on the Continental Shelf, which among other things stipulates that "...the boundary of the continental shelf ... shall be determined by agreement... In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary is the median line..." On this basis, Turkmenistan considers it

unacceptable to take any unilateral actions without agreement among the relevant littoral States defining their jurisdictions over specific sections of the seabed.

15. (U) Secondly, the delimitation of the Caspian seabed and subsoil should be carried out on the basis of the median line. International law provides a universally-recognized method of determining the median line, which is based on the principle of equidistance of its points from a coastal baseline. Although, according to the international practice, the median line is determined taking into account so-called "special circumstances" related to natural geographic unevenness of coastlines, the Turkmen government believes that "special circumstances" negatively impact the principle of justness of maritime boundary delimitation, which is "stipulated in the UN Convention on the Law of the Sea." Based on the above-mentioned premises, the Turkmen government uses the following approach when conducting negotiations with Azerbaijan regarding the Caspian delimitation: Delimitation of the Caspian seabed and subsoil should be carried out without taking into consideration Azerbaijan's Apsheron Peninsula and Zhiloy Island, which are "special circumstances" according to the international maritime law and, therefore, should not be considered when determining the median line.

16. (U) The article also praised President Berdimuhamedov's decision to take this issue to an international court of arbitration without specifying to which international court Turkmenistan would apply. (reftel)

17. (SBU) COMMENT: The Turkmen Government's approach and

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arguments outlined above were likely developed by local lawyers, and, according to a local legal expert, Turkmenistan does not have skilled lawyers in the field of international maritime law (reftel). As a result, the above arguments and approach might change when the Turkmen government engages international law experts on this issue, as instructed by President Berdimuhamedov.

18. (SBU) COMMENT CONTINUED: The article, which also appeared in the Turkmen-language "Turkmenistan" newspaper, seems to be intended for both foreign and domestic audiences and is part of a larger information campaign initiated by the Turkmen government inside the country. Since President Berdimuhamedov's July 24 statement, the state-owned Altyn Asyr TV channel has aired at least two programs that explained Turkmenistan's stance on the Caspian delimitation issue. One of the programs featured the Director of the State Agency for Management and Use of Hydrocarbon Resources Yagshygeldi Kakayev and Deputy Foreign Minister, Director of the State Service for Caspian Sea Issues Toyly Komekov, who obviously appeared on television per the President's instructions. END COMMENT.

MILES